**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE R.BASANT**

**MONDAY, THE 26TH NOVEMBER 2007 / 5TH AGRAHAYANA 1929**

**Bail Appl..No. 7223 of 2007()**

**(C.R.NO.238/2007 OF AMBALAPPUZHA POLICE STATION)**

**PETITIONERS/IST & 2ND ACCUSED:**

1. **SUMESH @ BINU, S/O.CHELLAPPAN ACHARI, WARD NO.11, THEKKADUTHU VEEDU, MAHADEVIKADU MURI, KARTHIKAPPALLY PANCHAYAT, KARTHIKAPPALLY TALUK.**

2. **SUMESH @ KANNAN, S/O.SUNDARAM, PUTHENKANDATHIL VEEDU, WARD NO.9, MAHADEVIKADU MURI, KARTHIKAPPALLY PANCHAYAT, KARTHIKAPPALLY TALUK.**

**BY ADV. SRI. K.SHAJ**
**SRI.SANTHOSH.S.A.**
**SRI.SAIJU.S.**
**B.BALRAJ**

**RESPONDENT:**

**STATE OF KERALA REPRESENTED BY ITS PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.**

**BY PUBLIC PROSECUTOR SRI. JAI GEORGE**

**THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 26/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:**

**R. BASANT, J.**

**B.A. No. 7223 OF 2007**

**Dated this the 26th day of November, 2007**

**O R D E R**

Application for regular bail. The petitioners face allegations under the Kerala Abkari Act. They were allegedly found to be in possession of 7000 litres of spirit on 9/6/2007. The petitioners were arrested on 11.9.07 and on 24.9.07 respectively. They continue in custody from that date. Investigation is not complete. Final report has not been filed.

2. The learned counsel for the petitioners prays, the learned Public Prosecutor does not oppose the said prayer – a period of 60 days from the date of surrender having already elapsed and the final report has not been filed so far, and I am satisfied that the petitioners are entitled to be released on bail under the proviso to Section 167(2) Cr.P.C.

3. In the result, this petition is allowed. The petitioners shall be enlarged on bail on the following terms and conditions:-

i) The petitioners shall execute bonds for Rs.1,50,000/- (Rupees one lakh and fifty thousand only) with two solvent sureties

each for the like sum to the satisfaction of the learned Magistrate.

ii) The petitioners shall make themselves available for interrogation before the investigating officer between 10 a.m and 12 noon on all Mondays and Fridays for a period of three months and thereafter as and when directed by the investigating officer in writing to do so.

**(R.BASANT, JUDGE)**

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